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7 UNITED STATES DISTRICT COURT
8
9 NORTHERN DISTRICT OF CALIFORNIA
10
11 SAN FRANCISCO DIVISION

11 WAYMO LLC,

12 Plaintiffs,

13 vs.

14 UBER TECHNOLOGIES, INC.;
15 OTTOMOTTO LLC; OTTO TRUCKING
16 LLC,

17 Defendants.

18 Case No.: 3:17-cv-00939-WHA

19
20 **NON-PARTY ANTHONY
LEVANDOWSKI'S FIRST
SUPPLEMENTAL OBJECTIONS AND
RESPONSES TO WAYMO'S JUNE 23,
2017 SUBPOENA TO PRODUCE
DOCUMENTS, INFORMATION, OR
OBJECTS OR TO PERMIT INSPECTION
OF PREMISES IN A CIVIL ACTION**

21 In its August 15, 2017 order, the Court ordered non-party Anthony Levandowski to amend
22 his responses to Plaintiff Waymo's June 23, 2017 subpoena directed to Mr. Levandowski (the
23 "Subpoena") with respect to the request for Tyto documents in Request 1, and with respect to the
24 "Remaining Requests" that were not otherwise addressed in the Court's order. Dkt. 1213 at 3. In
25 accordance with the Court's order, and under Rule 45 of the Federal Rules of Civil Procedure,
26 Mr. Levandowski, a non-party to this litigation, hereby provides the following amended responses
27 to Subpoena Requests: 1, 7, 8, 14, 15, 17, 18, 21, 22, 23, 28, 29, 30, 32 and 38.

1 **I. PRELIMINARY STATEMENT AND GENERAL OBJECTIONS**

2 Mr. Levandowski specifically incorporates each of the following general objections into
 3 his responses to each of Waymo's document requests and topics for testimony, whether or not
 4 each such general objection is expressly referred to in Mr. Levandowski's response to a specific
 5 request or topic. An agreement to produce responsive documents in the responses below means
 6 only that Mr. Levandowski will produce non-privileged documents within his custody or control
 7 that he identifies after a reasonable search and diligent inquiry, and is not a representation that
 8 any such responsive documents exist.

9 1. Mr. Levandowski objects to the Subpoena as overbroad and burdensome in that it
 10 fails to place any temporal limitation on the scope of the documents requested save requests Nos.
 11 3 and 31.

12 2. Mr. Levandowski objects to any request to the extent that it is vague, overbroad,
 13 unduly burdensome, or oppressive, or to the extent it purports to impose upon Mr. Levandowski
 14 any duty or obligation that is inconsistent with or in excess of those obligations that are imposed
 15 by the Federal Rules of Civil Procedure or the Local Rules. The 2015 amendments to the Federal
 16 Rules of Civil Procedure impose strict new limits on discovery, and now obligate the "court and
 17 the parties to secure the just, speedy, and inexpensive determination of every action and
 18 proceeding." Fed. R. Civ. P. 1. The Federal Rules now limit the scope of discovery to that which
 19 is "relevant to any party's claim or defense and proportional to the needs of the case, considering
 20 the importance of the issues at stake in the action, the amount in controversy, the parties' relative
 21 access to relevant information, the parties' resources, the importance of the discovery in resolving
 22 the issues, and whether the burden or expense of the proposed discovery outweighs its likely
 23 benefit. Information within this scope of discovery need not be admissible in evidence to be
 24 discoverable." Fed. R. Civ. P. 26(b)(1). Mr. Levandowski will not comply with any attempt to
 25 impose obligations not required by those Rules.

26 3. Mr. Levandowski objects to any request to the extent it seeks information and
 27 documents protected from discovery under the attorney-client privilege, the work-product
 28 doctrine, the common-interest and joint-defense doctrine, and any other applicable privilege or

1 doctrine. The inadvertent production by Mr. Levandowski of any information protected from
 2 disclosure by any privilege or doctrine shall *not* constitute a waiver by Mr. Levandowski of such
 3 protections. Mr. Levandowski expressly reserves the right to demand the return and/or
 4 destruction of any and all such privilege or protected documents or information inadvertently
 5 produced by Mr. Levandowski in this action.

6 4. Mr. Levandowski objects to any instruction or request to the extent that it would
 7 impose a duty on Mr. Levandowski to undertake a search for, or an evaluation of, information,
 8 documents, or things for which Waymo is equally able to search for and evaluate, including
 9 documents that are publicly available, in the possession of parties to this litigation, and/or are
 10 already in the possession of Waymo.

11 5. Mr. Levandowski objects to any request to the extent it seeks information and
 12 documents outside of Mr. Levandowski's possession, custody, or control. Mr. Levandowski
 13 further objects to the Subpoenas to the extent they purport to require production of any materials
 14 that are within the possession, custody, or control of Mr. Levandowski's former employer—Uber,
 15 or other Uber personnel. Documents possessed by another entity or person are not within the
 16 possession, custody, or control of Mr. Levandowski.

17 6. Mr. Levandowski objects to any request that seeks confidential and/or proprietary
 18 information, as well as material impinging on the privacy interests of Mr. Levandowski. Mr.
 19 Levandowski will produce documents containing such information only subject to the terms of an
 20 appropriate protective order pursuant to Fed. R. Civ. P. 26(c).

21 7. Mr. Levandowski objects to any request that seeks material protected from
 22 disclosure by Mr. Levandowski's Fifth Amendment privilege. The requests for documents here
 23 are so broad as to constitute a fishing expedition and would require Mr. Levandowski to make
 24 testimonial acts of production to make a document-by-document response. *See, e.g., United States*
 25 *v. Hubbell*, 530 U.S. 27 (2000).

26 8. Mr. Levandowski objects to any request that seeks information that is subject to
 27 confidentiality or non-disclosure agreements with third parties. This includes, most importantly,
 28 confidentiality and non-disclosure agreements between Mr. Levandowski and his former

1 employer, Uber. Mr. Levandowski will produce such information (1) only to the extent that he is
 2 permitted to do so under his agreements, (2) only after those third parties receive appropriate
 3 notice and are provided with a reasonable opportunity to raise objections, and (3) only after the
 4 Court resolves any such third-party objections. Further, Mr. Levandowski will produce such
 5 information only subject to an appropriate protective order under Fed. R. Civ. P.26(c).

6 9. Mr. Levandowski objects to each request and instruction to the extent that the
 7 information requested is in the possession of and/or is equally available from Plaintiff Waymo,
 8 individually and on behalf of all others similarly situated. It is a matter of well-settled law that a
 9 party should first obtain discovery from its opponent before burdening a non-party with discovery
 10 requests. *See, e.g., Haworth, Inc. v. Herman Miller, Inc.*, 998 F.2d 975, 978 (Fed. Cir. 1993)
 11 (holding that a district court can properly require a party to seek discovery from its party
 12 opponent before burdening a non-party with a subpoena); *Medcorp, Inc. v. Pinpoint
 Technologies, Inc.*, No. 08-CV-00867, 2009 WL 2194036, at *4 (D. Colo. July 14, 2009) (“With
 13 respect to discovery issued to non-parties, a party seeking discovery must satisfy a burden of
 14 proof heavier than the ordinary burden imposed by Rule 26 relating to discovery on any matter
 15 relevant to the subject matter involved in the pending action . . . When, as here, discovery
 16 identified in the subpoena duces tecum is sought from non-parties, the status of a person as a non-
 17 party is a factor of which weighs against disclosure. Given the short period of time in which
 18 third-parties have to respond to such subpoenas, particularly when compared to parties to
 19 litigation, this level of discovery is not appropriate.”).

20 10. Mr. Levandowski objects to any request that seeks “any” or “all” documents
 21 relating to the subject matter of the request as overly broad, unduly burdensome, and oppressive
 22 when documents sufficient to show the requested information would satisfy any reasonable
 23 discovery need of Defendant.

24 11. Mr. Levandowski objects to each request and instruction to the extent that it is
 25 vague, ambiguous, and unclear.

26 12. Mr. Levandowski objects to each request to the extent it requires disclosure from

1 which Mr. Levandowski is entitled to seek protection due to annoyance, embarrassment,
 2 oppression, or undue burden and expense.

3 13. Mr. Levandowski objects to each request and instruction to the extent they call for
 4 legal conclusions in order to provide a response and/or produce documents or information.

5 14. Mr. Levandowski objects to each paragraph of the section labeled “Definitions”
 6 and to each and every request to the extent they purport to give meaning or legal significance to a
 7 document, fact, or purported fact whose meaning or significance is subject to dispute between the
 8 parties. Mr. Levandowski further objects to Waymo’s “Definitions” to the extent they (1) render
 9 any request vague, overbroad, or unduly burdensome; (2) seek information that is neither relevant
 10 to the subject matter of this litigation nor reasonably calculated to lead to the discovery of
 11 admissible evidence; or (3) impose obligations or demands on Mr. Levandowski beyond those
 12 contemplated by the Federal Rules of Civil Procedure and the applicable Local Rules. Mr.
 13 Levandowski’s responses to each of Waymo’s requests shall not constitute an admission or
 14 concession to any of the definitions, terms, phrases, assertions, characterizations, or implications
 15 contained therein.

16 15. No agreement by Mr. Levandowski to provide information in response to a request
 17 shall be construed as a waiver of Mr. Levandowski’s right to object to the use of that information
 18 during trial or any other proceeding in this or any other action.

19 16. Mr. Levandowski objects to each paragraph of the section labeled “Instructions” to
 20 the extent the instructions (1) render any request vague, overbroad, or unduly burdensome; (2)
 21 seek information that is neither relevant to the subject matter of this litigation nor reasonably
 22 calculated to lead to the discovery of admissible evidence; or (3) impose obligations and demands
 23 on Mr. Levandowski beyond those contemplated by the Federal Rules of Civil Procedure and the
 24 applicable Local Rules. Mr. Levandowski will not comply with any attempt to impose
 25 obligations not required by those rules.

26 17. Mr. Levandowski reserves the right to assert additional objections to Waymo’s
 27 requests, as appropriate.

SPECIFIC OBJECTIONS TO DOCUMENT REQUESTS

REQUEST NO. 1:

All DOCUMENTS and COMMUNICATIONS REGARDING ODIN WAVE and/or
TYTO before May 5, 2016.

RESPONSE TO REQUEST NO. 1:

Mr. Levandowski incorporates his General Objections above as though set forth in this response. Mr. Levandowski further objects to this request because it is not calculated to lead to discoverable material, and constitutes an improper fishing expedition. Mr. Levandowski objects to this request to the extent it seeks information and documents protected from discovery under Mr. Levandowski's Fifth Amendment privilege, the attorney-client privilege, the work-product doctrine, the common-interest and joint-defense doctrine, and any other applicable privilege or doctrine. Mr. Levandowski objects to this request as vague, overly broad, and unduly burdensome, in that it contains no limitations as to the subject matter of this litigation. Mr. Levandowski objects to this request to the extent that it seeks confidential and/or proprietary information.

Subject to and without waiving his objections, Mr. Levandowski responds as follows:

After a reasonable, diligent search, Mr. Levandowski will produce non-privileged, responsive documents, the act of production of which is not protected by the Fifth Amendment.

August 18, 2017 Amended Response: The Court has ordered Mr. Levandowski to amend his response regarding Waymo’s request for Tyto documents. Mr. Levandowski amends his response as follows: Mr. Levandowski has produced documents responsive to Waymo’s request for Tyto documents. Mr. Levandowski is asserting his Fifth Amendment privilege with respect to whether he has any additional documents responsive to this request. Mr. Levandowski will further address the basis for his assertion of the Fifth Amendment through the court-ordered *in camera* submission and public brief. *See* Dkt. 1213.

REQUEST NO. 2:

ALL DOCUMENTS AND COMMUNICATIONS REGARDING APPARATE
INTERNATIONAL.

1 **RESPONSE TO REQUEST NO. 2:**

2 Mr. Levandowski incorporates his General Objections above as though set forth in this
3 response. Mr. Levandowski further objects to this request because it is not calculated to lead to
4 discoverable material, and constitutes an improper fishing expedition. Mr. Levandowski objects
5 to this request to the extent it seeks information and documents protected from discovery under
6 Mr. Levandowski's Fifth Amendment privilege, the attorney-client privilege, the work-product
7 doctrine, the common-interest and joint-defense doctrine, and any other applicable privilege or
8 doctrine. Mr. Levandowski objects to this request as vague, overly broad, and unduly
9 burdensome, in that it contains no limitations as to time or the subject matter of this litigation.
10 Mr. Levandowski objects to this request to the extent that it seeks confidential and/or proprietary
11 information.

12 Subject to and without waiving his objections, Mr. Levandowski responds as follows:

13 After a reasonable, diligent search, Mr. Levandowski will produce non-privileged,
14 responsive documents, the act of production of which is not protected by the Fifth Amendment.

15 **REQUEST NO. 3:**

16 All DOCUMENTS and COMMUNICATIONS REGARDING UBER before August 23,
17 2016.

18 **RESPONSE TO REQUEST NO. 3:**

19 Mr. Levandowski incorporates his General Objections above as though set forth in this
20 response. Mr. Levandowski objects to this request to the extent it seeks information and
21 documents protected from discovery under Mr. Levandowski's Fifth Amendment privilege, the
22 attorney-client privilege, the work-product doctrine, the common-interest and joint-defense
23 doctrine, and any other applicable privilege or doctrine. Mr. Levandowski further objects to this
24 request as vague, overly broad, and unduly burdensome, in that it contains no limitations as to the
25 subject matter of this litigation. Mr. Levandowski further objects to this request to the extent that
26 it seeks confidential and/or proprietary information.

Subject to and without waiving his objections, Mr. Levandowski responds as follows:
After a reasonable, diligent search, Mr. Levandowski will produce non-privileged, responsive
documents, the act of production of which is not protected by the Fifth Amendment.

REQUEST NO. 4:

ALL DOCUMENTS AND COMMUNICATIONS REGARDING POUCH HOLDINGS.

RESPONSE TO REQUEST NO. 4:

Mr. Levandowski incorporates his General Objections above as though set forth in this response. Mr. Levandowski objects to this request because it is not calculated to lead to discoverable material, and constitutes an improper fishing expedition. Mr. Levandowski further objects to this request to the extent it seeks information and documents protected from discovery under Mr. Levandowski's Fifth Amendment privilege, the attorney-client privilege, the work-product doctrine, the common-interest and joint-defense doctrine, and any other applicable privilege or doctrine. Mr. Levandowski objects to this request as vague, overly broad, and unduly burdensome, in that it contains no limitations as to time or the subject matter of this litigation.

Subject to and without waiving his objections, Mr. Levandowski responds as follows:

After a reasonable, diligent search, Mr. Levandowski will produce non-privileged, responsive documents, the act of production of which is not protected by the Fifth Amendment.

REQUEST NO. 5:

ALL DOCUMENTS AND COMMUNICATIONS REGARDING DOGWOOD LEASING.

RESPONSE TO REQUEST NO. 5:

Mr. Levandowski incorporates his General Objections above as though set forth in this response. Mr. Levandowski objects to this request because it is not calculated to lead to discoverable material, and constitutes an improper fishing expedition. Mr. Levandowski further objects to this request as vague, overly broad, and unduly burdensome, in that it contains no limitations as to time or the subject matter of this litigation. Mr. Levandowski also objects to this request to the extent it seeks information and documents protected from discovery under Mr. Levandowski's Fifth Amendment privilege, the attorney-client privilege, the work-product

1 doctrine, the common-interest and joint-defense doctrine, and any other applicable privilege or
2 doctrine.

3 Subject to and without waiving his objections, Mr. Levandowski responds as follows:

4 After a reasonable, diligent search, Mr. Levandowski will produce non-privileged,
5 responsive documents, the act of production of which is not protected by the Fifth Amendment.

6 **REQUEST NO. 6:**

7 All DOCUMENTS and COMMUNICATIONS REGARDING SANDSTONE.

8 **RESPONSE TO REQUEST NO. 6:**

9 Mr. Levandowski incorporates his General Objections above as though set forth in this
10 response. Mr. Levandowski objects to this request because it is not calculated to lead to
11 discoverable material, and constitutes an improper fishing expedition. Mr. Levandowski further
12 objects to this request as vague, overly broad, and unduly burdensome, in that it contains no
13 limitations as to time or the subject matter of this litigation. Mr. Levandowski also objects to this
14 request to the extent it seeks information and documents protected from discovery under Mr.
15 Levandowski's Fifth Amendment privilege, the attorney-client privilege, the work-product
16 doctrine, the common-interest and joint-defense doctrine, and any other applicable privilege or
17 doctrine.

18 Subject to and without waiving his objections, Mr. Levandowski responds as follows:

19 After a reasonable, diligent search, Mr. Levandowski will produce non-privileged,
20 responsive documents, the act of production of which is not protected by the Fifth Amendment.

21 **REQUEST NO. 7:**

22 All DOCUMENTS REGARDING the formation of OTTOMOTTO, including, without
23 limitation, business formation documents, business plans, and solicitations of investment capital.

24 **RESPONSE TO REQUEST NO. 7:**

25 Mr. Levandowski incorporates his General Objections above as though set forth in this
26 response. Mr. Levandowski objects to this request because it is not calculated to lead to
27 discoverable material, and constitutes an improper fishing expedition. Mr. Levandowski further

1 objects to this request to the extent it seeks information and documents protected from discovery
2 under Mr. Levandowski's Fifth Amendment privilege, the attorney-client privilege, the work-
3 product doctrine, the common-interest and joint-defense doctrine, and any other applicable
4 privilege or doctrine. Mr. Levandowski further objects to this request to the extent that it seeks
5 confidential and/or proprietary information.

6 Subject to and without waiving his objections, Mr. Levandowski responds as follows:

7 After a reasonable, diligent search, Mr. Levandowski will produce non-privileged,
8 responsive documents, the act of production of which is not protected by the Fifth Amendment.

9 **August 18, 2017 Amended Response:** Mr. Levandowski has produced documents
10 responsive to this request. Mr. Levandowski is withholding other documents responsive to this
11 request on the basis of his attorney-client privilege and/or the attorney work product doctrine.
12 Mr. Levandowski will provide a privilege log to Waymo for any documents being withheld from
13 production in response to this request on the basis of attorney-client related privileges on or
14 before August 22, 2017.

15 **REQUEST NO. 8:**

16 All DOCUMENTS REGARDING the formation of OTTO TRUCKING, including,
17 without limitation, business formation documents, business plans, and solicitations of investment
18 capital.

19 **RESPONSE TO REQUEST NO. 8:**

20 Mr. Levandowski incorporates his General Objections above as though set forth in this
21 response. Mr. Levandowski objects to this request because it is not calculated to lead to
22 discoverable material, and constitutes an improper fishing expedition. Mr. Levandowski further
23 objects to this request to the extent it seeks information and documents protected from discovery
24 under Mr. Levandowski's Fifth Amendment privilege, the attorney-client privilege, the work-
25 product doctrine, the common-interest and joint-defense doctrine, and any other applicable
26 privilege or doctrine. Mr. Levandowski further objects to this request to the extent that it seeks
27 confidential and/or proprietary information.

Subject to and without waiving his objections, Mr. Levandowski responds as follows:

After a reasonable, diligent search, Mr. Levandowski will produce non-privileged, responsive documents, the act of production of which is not protected by the Fifth Amendment.

August 18, 2017 Amended Response: Mr. Levandowski has produced documents responsive to this request. Mr. Levandowski is withholding other documents responsive to this request on the basis of his attorney-client privilege and/or the attorney work product doctrine. Mr. Levandowski will provide a privilege log to Waymo for any documents being withheld from production in response to this request on the basis of his attorney-client related privileges on or before August 22, 2017.

REQUEST NO. 9:

All COMMUNICATIONS with Brian McClendon.

RESPONSE TO REQUEST NO. 9:

Mr. Levandowski incorporates his General Objections above as though set forth in this response. Mr. Levandowski objects to this request as vague, overly broad, and unduly burdensome, in that it contains no limitations as to time or the subject matter of this litigation. Mr. Levandowski further objects to this request to the extent it seeks information and documents protected from discovery under Mr. Levandowski's Fifth Amendment privilege, the attorney-client privilege, the work-product doctrine, the common-interest and joint-defense doctrine, and any other applicable privilege or doctrine. Mr. Levandowski further objects to this request to the extent that it seeks confidential and/or proprietary information and/or documents that are protected by privacy rights under the United States Constitution or state or federal law, or other confidentiality protections.

Subject to and without waiving his objections, Mr. Levandowski responds as follows:

After a reasonable, diligent search, Mr. Levandowski will produce non-privileged, responsive documents, the act of production of which is not protected by the Fifth Amendment.

REQUEST NO. 10:

All COMMUNICATIONS with Travis Kalanick.

1 **RESPONSE TO REQUEST NO. 10:**

2 Mr. Levandowski incorporates his General Objections above as though set forth in this
3 response. Mr. Levandowski objects to this request as vague, overly broad, and unduly
4 burdensome, in that it contains no limitations as to time or the subject matter of this litigation.
5 Mr. Levandowski further objects to this request to the extent it seeks information and documents
6 protected from discovery under Mr. Levandowski's Fifth Amendment privilege, the attorney-
7 client privilege, the work-product doctrine, the common-interest and joint-defense doctrine, and
8 any other applicable privilege or doctrine. Mr. Levandowski further objects to this request to the
9 extent that it seeks confidential and/or proprietary information and/or documents that are
10 protected by privacy rights under the United States Constitution or state or federal law, or other
11 confidentiality protections.

12 Subject to and without waiving his objections, Mr. Levandowski responds as follows:

13 After a reasonable, diligent search, Mr. Levandowski will produce non-privileged,
14 responsive documents, the act of production of which is not protected by the Fifth Amendment.

15 **REQUEST NO. 11:**

16 All COMMUNICATIONS with John Bares.

17 **RESPONSE TO REQUEST NO. 11:**

18 Mr. Levandowski incorporates his General Objections above as though set forth in this
19 response. Mr. Levandowski objects to this request as vague, overly broad, and unduly
20 burdensome, in that it contains no limitations as to time or the subject matter of this litigation.
21 Mr. Levandowski further objects to this request to the extent it seeks information and documents
22 protected from discovery under Mr. Levandowski's Fifth Amendment privilege, the attorney-
23 client privilege, the work-product doctrine, the common-interest and joint-defense doctrine, and
24 any other applicable privilege or doctrine. Mr. Levandowski further objects to this request to the
25 extent that it seeks confidential and/or proprietary information and/or documents that are
26 protected by privacy rights under the United States Constitution or state or federal law, or other
27 confidentiality protections.

Subject to and without waiving his objections, Mr. Levandowski responds as follows:

After a reasonable, diligent search, Mr. Levandowski will produce non-privileged, responsive documents, the act of production of which is not protected by the Fifth Amendment.

REQUEST NO. 12:

All COMMUNICATIONS with Cameron Poetscher.

RESPONSE TO REQUEST NO. 12:

Mr. Levandowski incorporates his General Objections above as though set forth in this response. Mr. Levandowski objects to this request as vague, overly broad, and unduly burdensome, in that it contains no limitations as to time or the subject matter of this litigation. Mr. Levandowski further objects to this request to the extent it seeks information and documents protected from discovery under Mr. Levandowski's Fifth Amendment privilege, the attorney-client privilege, the work-product doctrine, the common-interest and joint-defense doctrine, and any other applicable privilege or doctrine. Mr. Levandowski further objects to this request to the extent that it seeks confidential and/or proprietary information and/or documents that are protected by privacy rights under the United States Constitution or state or federal law, or other confidentiality protections.

Subject to and without waiving his objections, Mr. Levandowski responds as follows:

After a reasonable, diligent search, Mr. Levandowski will produce non-privileged, responsive documents, the act of production of which is not protected by the Fifth Amendment.

REQUEST NO. 13:

All COMMUNICATIONS with Nina Qi.

RESPONSE TO REQUEST NO. 13:

Mr. Levandowski incorporates his General Objections above as though set forth in this response. Mr. Levandowski objects to this request as vague, overly broad, and unduly burdensome, in that it contains no limitations as to time or the subject matter of this litigation. Mr. Levandowski further objects to this request to the extent it seeks information and documents protected from discovery under Mr. Levandowski's Fifth Amendment privilege, the attorney-

1 client privilege, the work-product doctrine, the common-interest and joint-defense doctrine, and
2 any other applicable privilege or doctrine. Mr. Levandowski further objects to this request to the
3 extent that it seeks confidential and/or proprietary information and/or documents that are
4 protected by privacy rights under the United States Constitution or state or federal law, or other
5 confidentiality protections.

6 Subject to and without waiving his objections, Mr. Levandowski responds as follows:

7 After a reasonable, diligent search, Mr. Levandowski will produce non-privileged,
8 responsive documents, the act of production of which is not protected by the Fifth Amendment.

9 **REQUEST NO. 14:**

10 All COMMUNICATIONS with STROZ.

11 **RESPONSE TO REQUEST NO. 14:**

12 Mr. Levandowski incorporates his General Objections above as though set forth in this
13 response. Mr. Levandowski objects to this request to the extent it seeks information and
14 documents protected from discovery under Mr. Levandowski's Fifth Amendment privilege, the
15 attorney-client privilege, the work-product doctrine, the common-interest and joint-defense
16 doctrine, and any other applicable privilege or doctrine. Mr. Levandowski objects to this request
17 as vague, overly broad, and unduly burdensome, in that it contains no limitations as to time or the
18 subject matter of this litigation.

19 Subject to and without waiving his objections, Mr. Levandowski responds as follows:

20 After a reasonable, diligent search, Mr. Levandowski will produce non-privileged,
21 responsive documents, the act of production of which is not protected by the Fifth Amendment.

22 **August 18, 2017 Amended Response:** During the meet and confer call on July 28, 2017,
23 counsel for Waymo acknowledged that Mr. Levandowski's response to this request would be
24 governed by the Federal Circuit's decision in Mr. Levandowski's pending appeal regarding the
25 privileges applicable to Stroz materials. Mr. Levandowski will update his response to this request
26 in accordance with the Federal Circuit's decision, once it has been issued.

27 **REQUEST NO. 15:**

28 All COMMUNICATIONS with any PERSON REGARDING STROZ.

1 **RESPONSE TO REQUEST NO. 15:**

2 Mr. Levandowski incorporates his General Objections above as though set forth in this
 3 response. Mr. Levandowski objects to this request because it is not calculated to lead to
 4 discoverable material, and constitutes an improper fishing expedition. Mr. Levandowski further
 5 objects to this request to the extent it seeks information and documents protected from discovery
 6 under Mr. Levandowski's Fifth Amendment privilege, the attorney-client privilege, the work-
 7 product doctrine, the common-interest and joint-defense doctrine, and any other applicable
 8 privilege or doctrine. Mr. Levandowski objects to this request as vague, overly broad, and unduly
 9 burdensome, in that it contains no limitations as to time or the subject matter of this litigation.

10 Subject to and without waiving his objections, Mr. Levandowski responds as follows:

11 After a reasonable, diligent search, Mr. Levandowski will produce non-privileged,
 12 responsive documents, the act of production of which is not protected by the Fifth Amendment.

13 **August 18, 2017 Amended Response:** During the meet and confer call on July 28, 2017,
 14 counsel for Waymo acknowledged that Mr. Levandowski's response to this request would be
 15 governed by the Federal Circuit's decision in Mr. Levandowski's pending appeal regarding the
 16 privileges applicable to Stroz materials. Mr. Levandowski will update his response to this request
 17 in accordance with the Federal Circuit's decision, once it has been issued.

18 **REQUEST NO. 16:**

19 All DOCUMENTS and COMMUNICATIONS REGARDING the MISAPPROPRIATED
 20 MATERIALS.

21 **RESPONSE TO REQUEST NO. 16:**

22 Mr. Levandowski incorporates his General Objections above as though set forth in this
 23 response. Mr. Levandowski objects to this request to the extent it seeks information and
 24 documents protected from discovery under Mr. Levandowski's Fifth Amendment privilege, the
 25 attorney-client privilege, the work-product doctrine, the common-interest and joint-defense
 26 doctrine, and any other applicable privilege or doctrine. Mr. Levandowski objects to this request
 27 as vague, overly broad, and unduly burdensome, in that it contains no limitations as to time or the
 28 subject matter of this litigation.

Subject to and without waiving his objections, Mr. Levandowski responds as follows:

After a reasonable, diligent search, Mr. Levandowski will produce non-privileged, responsive documents, the act of production of which is not protected by the Fifth Amendment.

REQUEST NO. 17:

All COMMUNICATIONS with Lior Ron REGARDING WAYMO, GOOGLE, or LiDAR.

RESPONSE TO REQUEST NO. 17:

Mr. Levandowski incorporates his General Objections above as though set forth in this response. Mr. Levandowski objects to this request to the extent it seeks information and documents protected from discovery under Mr. Levandowski's Fifth Amendment privilege, the attorney-client privilege, the work-product doctrine, the common-interest and joint-defense doctrine, and any other applicable privilege or doctrine. Mr. Levandowski objects to this request as vague, overly broad, and unduly burdensome, in that it contains no limitations as to time or the subject matter of this litigation. Mr. Levandowski further objects to this request to the extent that it seeks confidential and/or proprietary information and/or documents that are protected by privacy rights under the United States Constitution or state or federal law, or other confidentiality protections.

Subject to and without waiving his objections, Mr. Levandowski responds as follows:

After a reasonable, diligent search, Mr. Levandowski will produce non-privileged, responsive documents, the act of production of which is not protected by the Fifth Amendment.

August 18, 2017 Amended Response: Mr. Levandowski has produced documents responsive to this request. Mr. Levandowski is asserting his Fifth Amendment right with respect to whether he has additional documents responsive to this request. Mr. Levandowski will further address the basis for his assertion of the Fifth Amendment through an *in camera* submission and public brief in compliance with the Court’s order. *See* Dkt. 1213.

REQUEST NO. 18:

All COMMUNICATIONS with Lior Ron before August 18 REGARDING UBER.

1 **RESPONSE TO REQUEST NO. 18:**

2 Mr. Levandowski incorporates his General Objections above as though set forth in this
 3 response. Mr. Levandowski objects to this request as it does not include a year to limit the scope
 4 of the request. Mr. Levandowski further objects to this request as vague, overly broad, and
 5 unduly burdensome, in that it contains no limitations as to the subject matter of this litigation.
 6 Mr. Levandowski further objects to this request to the extent it seeks information and documents
 7 protected from discovery under Mr. Levandowski's Fifth Amendment privilege, the attorney-
 8 client privilege, the work-product doctrine, the common-interest and joint-defense doctrine, and
 9 any other applicable privilege or doctrine. Mr. Levandowski further objects to this request to the
 10 extent that it seeks confidential and/or proprietary information and/or documents that are
 11 protected by privacy rights under the United States Constitution or state or federal law, or other
 12 confidentiality protections.

13 Subject to and without waiving his objections, Mr. Levandowski responds as follows:
 14 After a reasonable, diligent search, Mr. Levandowski will produce non-privileged, responsive
 15 documents, the act of production of which is not protected by the Fifth Amendment.

16 **August 18, 2017 Amended Response:** Mr. Levandowski has produced documents
 17 responsive to this request. Mr. Levandowski is asserting his Fifth Amendment right with respect
 18 to whether he has additional documents responsive to this request. Mr. Levandowski will further
 19 address the basis for his assertion of the Fifth Amendment through an *in camera* submission and
 20 public brief in compliance with the Court's order. *See* Dkt. 1213.

21 **REQUEST NO. 19:**

22 All COMMUNICATIONS with Colin Sebern REGARDING WAYMO, GOOGLE, or
 23 LiDAR.

24 **RESPONSE TO REQUEST NO. 19:**

25 Mr. Levandowski incorporates his General Objections above as though set forth in this
 26 response. Mr. Levandowski objects to this request to the extent it seeks information and
 27 documents protected from discovery under Mr. Levandowski's Fifth Amendment privilege, the

1 attorney-client privilege, the work-product doctrine, the common-interest and joint-defense
 2 doctrine, and any other applicable privilege or doctrine. Mr. Levandowski objects to this request
 3 as vague, overly broad, and unduly burdensome, in that it contains no limitations as to time or the
 4 subject matter of this litigation. Mr. Levandowski further objects to this request to the extent that
 5 it seeks confidential and/or proprietary information and/or documents that are protected by
 6 privacy rights under the United States Constitution or state or federal law, or other confidentiality
 7 protections.

8 Subject to and without waiving his objections, Mr. Levandowski responds as follows:

9 After a reasonable, diligent search, Mr. Levandowski will produce non-privileged,
 10 responsive documents, the act of production of which is not protected by the Fifth Amendment.

11 **REQUEST NO. 20:**

12 All COMMUNICATIONS with Don Burnette REGARDING WAYMO, GOOGLE, or
 13 LiDAR.

14 **RESPONSE TO REQUEST NO. 20:**

15 Mr. Levandowski incorporates his General Objections above as though set forth in this
 16 response. Mr. Levandowski objects to this request to the extent it seeks information and
 17 documents protected from discovery under Mr. Levandowski's Fifth Amendment privilege, the
 18 attorney-client privilege, the work-product doctrine, the common-interest and joint-defense
 19 doctrine, and any other applicable privilege or doctrine. Mr. Levandowski objects to this request
 20 as vague, overly broad, and unduly burdensome, in that it contains no limitations as to time or the
 21 subject matter of this litigation. Mr. Levandowski further objects to this request to the extent that
 22 it seeks confidential and/or proprietary information and/or documents that are protected by
 23 privacy rights under the United States Constitution or state or federal law, or other confidentiality
 24 protections.

25 Subject to and without waiving his objections, Mr. Levandowski responds as follows:

26 After a reasonable, diligent search, Mr. Levandowski will produce non-privileged,
 27 responsive documents, the act of production of which is not protected by the Fifth Amendment.

1
2 **REQUEST NO. 21:**

3 All COMMUNICATIONS with Soren Juelsgaard REGARDING WAYMO, GOOGLE,
4 or LiDAR.

5 **RESPONSE TO REQUEST NO. 21:**

6 Mr. Levandowski incorporates his General Objections above as though set forth in this
7 response. Mr. Levandowski objects to this request to the extent it seeks information and
8 documents protected from discovery under Mr. Levandowski's Fifth Amendment privilege, the
9 attorney-client privilege, the work-product doctrine, the common-interest and joint-defense
10 doctrine, and any other applicable privilege or doctrine. Mr. Levandowski objects to this request
11 as vague, overly broad, and unduly burdensome, in that it contains no limitations as to time or the
12 subject matter of this litigation. Mr. Levandowski further objects to this request to the extent that
13 it seeks confidential and/or proprietary information and/or documents that are protected by
14 privacy rights under the United States Constitution or state or federal law, or other confidentiality
15 protections.

16 Subject to and without waiving his objections, Mr. Levandowski responds as follows:

17 After a reasonable, diligent search, Mr. Levandowski will produce non-privileged,
18 responsive documents, the act of production of which is not protected by the Fifth Amendment.

19 **August 18, 2017 Amended Response:** Mr. Levandowski has produced documents
20 responsive to this request. Mr. Levandowski is asserting his Fifth Amendment right with respect
21 to whether he has additional documents responsive to this request. Mr. Levandowski will further
22 address the basis for his assertion of the Fifth Amendment through an *in camera* submission and
23 public brief in compliance with the Court's order. *See* Dkt. 1213.

24 **REQUEST NO. 22:**

1 All COMMUNICATIONS with Ognen Stojanovski REGARDING WAYMO, GOOGLE,
2 or LiDAR.

3 **RESPONSE TO REQUEST NO. 22:**

4 Mr. Levandowski incorporates his General Objections above as though set forth in this
5 response. Mr. Levandowski objects to this request to the extent it seeks information and
6 documents protected from discovery under Mr. Levandowski's Fifth Amendment privilege, the
7 attorney-client privilege, the work-product doctrine, the common-interest and joint-defense
8 doctrine, and any other applicable privilege or doctrine. Mr. Levandowski objects to this request
9 as vague, overly broad, and unduly burdensome, in that it contains no limitations as to time or the
10 subject matter of this litigation. Mr. Levandowski further objects to this request to the extent that
11 it seeks confidential and/or proprietary information and/or documents that are protected by
12 privacy rights under the United States Constitution or state or federal law, or other confidentiality
13 protections.

14 Subject to and without waiving his objections, Mr. Levandowski responds as follows:

15 After a reasonable, diligent search, Mr. Levandowski will produce non-privileged,
16 responsive documents, the act of production of which is not protected by the Fifth Amendment.

17 **August 18, 2017 Amended Response:** Mr. Levandowski is withholding documents
18 responsive to this request on the basis of his attorney-client privilege and the attorney work
19 product doctrine. Mr. Levandowski will provide a privilege log to Waymo for any documents
20 being withheld from production in response to this request on the basis of attorney-client related
21 privileges on or before August 22, 2017.

22 **REQUEST NO. 23:**

23 All agreements with any DEFENDANT.

24 **RESPONSE TO REQUEST NO. 23:**

25 Mr. Levandowski incorporates his General Objections above as though set forth in this
26 response. Mr. Levandowski objects to this request to the extent it seeks information and
27 documents protected from discovery under Mr. Levandowski's Fifth Amendment privilege, the

1 attorney-client privilege, the work-product doctrine, the common-interest and joint-defense
2 doctrine, and any other applicable privilege or doctrine. Mr. Levandowski further objects to this
3 request to the extent that it seeks confidential and/or proprietary information and/or documents
4 that are protected by privacy rights under the United States Constitution or state or federal law, or
5 other confidentiality protections.

6 Subject to and without waiving his objections, Mr. Levandowski responds as follows:

7 After a reasonable, diligent search, Mr. Levandowski will produce non-privileged,
8 responsive documents, the act of production of which is not protected by the Fifth Amendment.

9 **August 18, 2017 Amended Response:** Mr. Levandowski has produced documents in
10 response to this request. Mr. Levandowski is not withholding any documents in response to this
11 request.

12 **REQUEST NO. 24:**

13 All agreements with SANDSTONE.

14 **RESPONSE TO REQUEST NO. 24:**

15 Mr. Levandowski incorporates his General Objections above as though set forth in this
16 response. Mr. Levandowski objects to this request because it is not calculated to lead to
17 discoverable material, and constitutes an improper fishing expedition. Mr. Levandowski further
18 objects to this request to the extent it seeks information and documents protected from discovery
19 under Mr. Levandowski's Fifth Amendment privilege, the attorney-client privilege, the work-
20 product doctrine, the common-interest and joint-defense doctrine, and any other applicable
21 privilege or doctrine. Mr. Levandowski objects to this request as vague, overly broad, and unduly
22 burdensome, in that it contains no limitations as to time or the subject matter of this litigation.
23 Mr. Levandowski further objects to this request to the extent that it seeks confidential and/or
24 proprietary information and/or documents that are protected by privacy rights under the United
25 States Constitution or state or federal law, or other confidentiality protections.

26 Subject to and without waiving his objections, Mr. Levandowski responds as follows:

27 After a reasonable, diligent search, Mr. Levandowski will produce non-privileged,

1 responsive documents, the act of production of which is not protected by the Fifth Amendment.
2

3 **REQUEST NO. 25:**

4 All agreements with APPARATE INTERNATIONAL.
5

6 **RESPONSE TO REQUEST NO. 25:**

7 Mr. Levandowski incorporates his General Objections above as though set forth in this
8 response. Mr. Levandowski objects to this request because it is not calculated to lead to
9 discoverable material, and constitutes an improper fishing expedition. Mr. Levandowski further
10 objects to this request to the extent it seeks information and documents protected from discovery
11 under Mr. Levandowski's Fifth Amendment privilege, the attorney-client privilege, the work-
12 product doctrine, the common-interest and joint-defense doctrine, and any other applicable
13 privilege or doctrine. Mr. Levandowski objects to this request as vague, overly broad, and unduly
14 burdensome, in that it contains no limitations as to time or the subject matter of this litigation.
15 Mr. Levandowski further objects to this request to the extent that it seeks confidential and/or
16 proprietary information and/or documents that are protected by privacy rights under the United
17 States Constitution or state or federal law, or other confidentiality protections.

18 Subject to and without waiving his objections, Mr. Levandowski responds as follows:
19

20 After a reasonable, diligent search, Mr. Levandowski will produce non-privileged,
21 responsive documents, the act of production of which is not protected by the Fifth Amendment.
22

23 **REQUEST NO. 26:**

24 All agreements with POUCH HOLDINGS.
25

26 **RESPONSE TO REQUEST NO. 26:**

27 Mr. Levandowski incorporates his General Objections above as though set forth in this
28 response. Mr. Levandowski objects to this request because it is not calculated to lead to
discoverable material, and constitutes an improper fishing expedition. Mr. Levandowski further
objects to this request to the extent it seeks information and documents protected from discovery
under Mr. Levandowski's Fifth Amendment privilege, the attorney-client privilege, the work-
product doctrine, the common-interest and joint-defense doctrine, and any other applicable
privilege or doctrine. Mr. Levandowski objects to this request as vague, overly broad, and unduly
burdensome, in that it contains no limitations as to time or the subject matter of this litigation.
Mr. Levandowski further objects to this request to the extent that it seeks confidential and/or
proprietary information and/or documents that are protected by privacy rights under the United
States Constitution or state or federal law, or other confidentiality protections.

1 product doctrine, the common-interest and joint-defense doctrine, and any other applicable
 2 privilege or doctrine. Mr. Levandowski objects to this request as vague, overly broad, and unduly
 3 burdensome, in that it contains no limitations as to time or the subject matter of this litigation.
 4 Mr. Levandowski further objects to this request to the extent that it seeks confidential and/or
 5 proprietary information and/or documents that are protected by privacy rights under the United
 6 States Constitution or state or federal law, or other confidentiality protections.
 7

8 Subject to and without waiving his objections, Mr. Levandowski responds as follows:

9 After a reasonable, diligent search, Mr. Levandowski will produce non-privileged,
 10 responsive documents, the act of production of which is not protected by the Fifth Amendment.

11 **REQUEST NO. 27:**

12 All agreements with DOGWOOD LEASING.

13 **RESPONSE TO REQUEST NO. 27:**

14 Mr. Levandowski incorporates his General Objections above as though set forth in this
 15 response. Mr. Levandowski objects to this request because it is not calculated to lead to
 16 discoverable material, and constitutes an improper fishing expedition. Mr. Levandowski further
 17 objects to this request to the extent it seeks information and documents protected from discovery
 18 under Mr. Levandowski's Fifth Amendment privilege, the attorney-client privilege, the work-
 19 product doctrine, the common-interest and joint-defense doctrine, and any other applicable
 20 privilege or doctrine. Mr. Levandowski objects to this request as vague, overly broad, and unduly
 21 burdensome, in that it contains no limitations as to time or the subject matter of this litigation.
 22 Mr. Levandowski further objects to this request to the extent that it seeks confidential and/or
 23 proprietary information and/or documents that are protected by privacy rights under the United
 24 States Constitution or state or federal law, or other confidentiality protections.

25 Subject to and without waiving his objections, Mr. Levandowski responds as follows:

26 After a reasonable, diligent search, Mr. Levandowski will produce non-privileged,
 27 responsive documents, the act of production of which is not protected by the Fifth Amendment.

28 **REQUEST NO. 28:**

1 All agreements with Lior Ron.

2 **RESPONSE TO REQUEST NO. 28:**

3 Mr. Levandowski incorporates his General Objections above as though set forth in this
4 response. Mr. Levandowski objects to this request because it is not calculated to lead to
5 discoverable material, and constitutes an improper fishing expedition. Mr. Levandowski further
6 objects to this request to the extent it seeks information and documents protected from discovery
7 under Mr. Levandowski's Fifth Amendment privilege, the attorney-client privilege, the work-
8 product doctrine, the common-interest and joint-defense doctrine, and any other applicable
9 privilege or doctrine. Mr. Levandowski objects to this request as vague, overly broad, and unduly
10 burdensome, in that it contains no limitations as to time or the subject matter of this litigation.
11 Mr. Levandowski further objects to this request to the extent that it seeks confidential and/or
12 proprietary information and/or documents that are protected by privacy rights under the United
13 States Constitution or state or federal law, or other confidentiality protections.

14 Subject to and without waiving his objections, Mr. Levandowski responds as follows:

15 After a reasonable, diligent search, Mr. Levandowski will produce non-privileged,
16 responsive documents, the act of production of which is not protected by the Fifth Amendment.

17 **August 18, 2017 Amended Response:** Mr. Levandowski does not have any documents
18 responsive to this request.

19 **REQUEST NO. 29:**

20 All agreements with John Gardner.

21 **RESPONSE TO REQUEST NO. 29:**

22 Mr. Levandowski incorporates his General Objections above as though set forth in this
23 response. Mr. Levandowski objects to this request because it is not calculated to lead to
24 discoverable material, and constitutes an improper fishing expedition. Mr. Gardner is Mr.
25 Levandowski's personal attorney. Mr. Levandowski objects to this request to the extent it seeks
26 information and documents protected from discovery under Mr. Levandowski's attorney-client
27 privilege, the work-product doctrine, the common-interest and joint-defense doctrine, and any
28

1 other applicable privilege or doctrine.
2

3 Subject to and without waiving his objections, Mr. Levandowski responds as follows:
4

5 After a reasonable, diligent search, Mr. Levandowski will produce non-privileged,
6 responsive documents, the act of production of which is not protected by the Fifth Amendment.
7

8 **August 18, 2017 Amended Response:** Mr. Levandowski does not have any documents
9 responsive to this request.
10

11 **REQUEST NO. 30:**

12 All agreements with Ognen Stojanovski.
13

14 **RESPONSE TO REQUEST NO. 30:**

15 Mr. Levandowski incorporates his General Objections above as though set forth in this
16 response. Mr. Levandowski objects to this request because it is not calculated to lead to
17 discoverable material, and constitutes an improper fishing expedition. Mr. Stojanovski is an
18 attorney. Mr. Levandowski objects to this request to the extent it seeks information and
19 documents protected from discovery under Mr. Levandowski's Fifth Amendment privilege, the
20 attorney-client privilege, the work-product doctrine, the common-interest and joint-defense
21 doctrine, and any other applicable privilege or doctrine. Mr. Levandowski objects to this request
22 as vague, overly broad, and unduly burdensome, in that it contains no limitations as to time or the
23 subject matter of this litigation.
24

25 Subject to and without waiving his objections, Mr. Levandowski responds as follows:
26 After a reasonable, diligent search, Mr. Levandowski will produce non-privileged, responsive
27 documents, the act of production of which is not protected by the Fifth Amendment.
28

29 **August 18, 2017 Amended Response:** Mr. Levandowski does not have any documents
30 responsive to this request.
31

32 **REQUEST NO. 31:**

33 All DOCUMENTS or COMMUNICATIONS after January 27, 2016 REGARDING
34 WAYMO's LiDAR.
35

36 **RESPONSE TO REQUEST NO. 31:**

37 Mr. Levandowski incorporates his General Objections above as though set forth in this
38

1 response. Mr. Levandowski further objects to this request to the extent it seeks information and
2 documents protected from discovery under Mr. Levandowski's Fifth Amendment privilege, the
3 attorney-client privilege, the work-product doctrine, the common-interest and joint-defense
4 doctrine, and any other applicable privilege or doctrine.

5 Subject to and without waiving his objections, Mr. Levandowski responds as follows:

6 **REQUEST NO. 32:**

7 All COMMUNICATIONS with any PERSON REGARDING THIS CASE.

8 **RESPONSE TO REQUEST NO. 32:**

9 Mr. Levandowski incorporates his General Objections above as though set forth in this
10 response. Mr. Levandowski objects to this request because it is not calculated to lead to
11 discoverable material, and constitutes an improper fishing expedition. Mr. Levandowski further
12 objects to this request to the extent it seeks information and documents protected from discovery
13 under the attorney-client privilege, the work-product doctrine, the common-interest and joint-
14 defense doctrine, and any other applicable privilege or doctrine. Mr. Levandowski objects to this
15 request as vague, overly broad, and unduly burdensome, in that it contains no limitations as to
16 time or the individual(s) with whom the communications were made.

17 Subject to and without waiving his objections, Mr. Levandowski responds as follows:
18 After a reasonable, diligent search, Mr. Levandowski will produce non-privileged, responsive
19 documents, the act of production of which is not protected by the Fifth Amendment.

20 **August 18, 2017 Amended Response:** On the July 28, 2017 meet and confer, Special
21 Master Cooper determined that this request constituted a fishing expedition and should be set
22 aside.

23 **REQUEST NO. 33:**

24 All DOCUMENTS belonging to WAYMO in YOUR possession, custody, or control.

25 **RESPONSE TO REQUEST NO. 33:**

26 Mr. Levandowski incorporates his General Objections above as though set forth in this
27 response. Mr. Levandowski objects to this request to the extent it seeks information and
28

1 documents protected from discovery under Mr. Levandowski's Fifth Amendment privilege.
2

3 **REQUEST NO. 34:**

4 All DOCUMENTS belonging to GOOGLE in YOUR possession, custody, or control.
5

6 **RESPONSE TO REQUEST NO. 34:**

7 Mr. Levandowski incorporates his General Objections above as though set forth in this
8 response. Mr. Levandowski objects to this request to the extent it seeks information and
9 documents protected from discovery under Mr. Levandowski's Fifth Amendment privilege.
10

11 **REQUEST NO. 35:**

12 All DOCUMENTS and COMMUNICATIONS referring or relating to DOCUMENTS
13 belonging to WAYMO in YOUR possession, custody, or control.
14

15 **RESPONSE TO REQUEST NO. 35:**

16 Mr. Levandowski incorporates his General Objections above as though set forth in this
17 response. Mr. Levandowski objects to this request to the extent it seeks information and
18 documents protected from discovery under Mr. Levandowski's Fifth Amendment privilege, the
19 attorney-client privilege, the work-product doctrine, the common-interest and joint-defense
20 doctrine, and any other applicable privilege or doctrine;
21

22 **REQUEST NO. 36:**

23 All DOCUMENTS and COMMUNICATIONS referring or relating to DOCUMENTS
24 belonging to GOOGLE in YOUR possession, custody, or control.
25

26 **RESPONSE TO REQUEST NO. 36:**

27 Mr. Levandowski incorporates his General Objections above as though set forth in this
28 response. Mr. Levandowski objects to this request to the extent it seeks information and
documents protected from discovery under Mr. Levandowski's Fifth Amendment privilege, the
attorney-client privilege, the work-product doctrine, the common-interest and joint-defense
doctrine, and any other applicable privilege or doctrine;
29

30 **REQUEST NO. 37:**

1 All COMMUNICATIONS and DOCUMENTS REGARDING any attempt to conceal,
2 hide, or destroy the MISAPPROPRIATED MATERIALS.

3 **RESPONSE TO REQUEST NO. 37:**

4 Mr. Levandowski incorporates his General Objections above as though set forth in this
5 response. Mr. Levandowski objects to this request to the extent it seeks information and
6 documents protected from discovery under Mr. Levandowski's Fifth Amendment privilege, the
7 attorney-client privilege, the work-product doctrine, the common-interest and joint-defense
8 doctrine, and any other applicable privilege or doctrine;

9 **REQUEST NO. 38:**

10 All COMMUNICATIONS and DOCUMENTS REGARDING your termination from
11 UBER.

12 **RESPONSE TO REQUEST NO. 38:**

13 Mr. Levandowski incorporates his General Objections above as though set forth in this
14 response. Mr. Levandowski objects to this request because it is not calculated to lead to
15 discoverable material, and constitutes an improper fishing expedition. Mr. Levandowski further
16 objects to this request to the extent it seeks information and documents protected from discovery
17 under Mr. Levandowski's Fifth Amendment privilege, the attorney-client privilege, the work-
18 product doctrine, the common-interest and joint-defense doctrine, and any other applicable
19 privilege or doctrine. Mr. Levandowski further objects to this request to the extent that it seeks
20 confidential and/or proprietary information and/or documents that are protected by privacy rights
21 under the United States Constitution or state or federal law, or other confidentiality protections.

22 Subject to and without waiving his objections, Mr. Levandowski responds as follows:

23 After a reasonable, diligent search, Mr. Levandowski will produce non-privileged,
24 responsive documents, the act of production of which is not protected by the Fifth Amendment.

25 **August 18, 2017 Amended Response:** Mr. Levandowski has produced documents in
26 response to this request. Mr. Levandowski is not withholding any documents in response to this
27 request.

1 Dated: August 18, 2017

2 Respectfully Submitted,

3 /s/ Miles Ehrlich

4 Miles Ehrlich
Ismail Ramsey
Amy Craig
Ramsey & Ehrlich LLP
803 Hearst Ave.
Berkeley, CA 94710
Tel: (510) 548-3600

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6 *Counsel to Anthony Levandowski*

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